IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1199/06

Dr.Baban Shivram Kadam .....Applicant

V/s.

The state of Maharashtra .... Respondent

Shri.Majeed Memon alongiwith Shri.Samir A. Vaidya for the applicant.
Miss.M.H. Mahatre APP for the State

CORAM : V.M. KANADE, J.
DATE : 17/04/06

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.10/2006 for the offences punishable U/s.13(1)(e) of the Prevention of Corruption Act 1988.

3. It is alleged that the applicant has amassed wealth which is disproportionate to the known source of his income.

4. Learned Counsel for the applicant has submitted that applicant initially was arrested in connection with C.R.No.33/2002 for his alleged involved in the recruitment of PSI/STI which was conducted by Maharashtra Public Service Commission. He submitted that he was initially in police custody and thereafter in judicial custody for almost two and half years. He submitted that during this period police had conducted through search and statements of witnesses have been recorded. He further submitted that he was released on bail in February, 2005 in the said case and thereafter fresh complaint has been filed regarding disproportionate assets which are in his possession during the period commencing from 1971 to 2003. He further submitted that applicant is in jail for 56 days and chargesheet is not likely to be filed within a period of 60 days. He further submitted that all his property has already been seized and he has been suspended. He further submitted that the applicant has been victimized and is being tried again for a different offence.

5. Learned APP for the State on the other hand after taking instructions from the Investigating

Officer Shri.M.G. Pote ACP, submitted that chargesheet may not be filed within a period of 60 days. Apart from that investigation is going on since last 56 days and prior to that in the earlier case, statement of the witnesses have been recorded. Considering this fact, in my view, further detention of the applicant as an under trial prisoner is not necessary. Considering this circumstances, applicant is entitled to be released on bail.

6. The applicant be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount. The applicant shall co-operate with the Investigating Officer. The applicant shall report to the Investigating Officer once in a week till filling of the chargesheet. The applicant shall not tamper with the evidence or threaten the witnesses. If the chargesheet is not filed within period of two months the applicant may report to concerned police station once in a month. The applicant initially may furnish cash bail and thereafter to furnish sureties in the like amount within period of four weeks.

7. If any complaint is received by I.O. against

the present applicant, liberty is given to the Public Prosecutor to apply for cancellation of bail.

8. Trial court shall not be influenced by any observations made by this court while passing this order and the same may not be construed to mean as an expression of opinion of the case and decide the case on its own merit and in accordance with law.

9. Application is accordingly disposed of.

V.M. KANADE, J.